Page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

(f) STANDARD FOR UNREASONABLE RATES FOR CABLE PROGRAMMING SERVICES.—Section 623(c)(2) of the Act (47 U.S.C. 543(c)) is amended to read as follows:

"'(2) STANDARD FOR UNREASONABLE RATES.— The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date."

Page 127, line 4, strike "or 5 percent" and all that follows through "greater," on line 6. Page 129, strike lines 16 through 21 and insert the following:

"(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services.".

Page 130, line 16, insert "and" after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

"directly to subscribers in the franchise area and such franchise area is also served by an unaffiliated cable system.".

Page 131, strike line 6 and all that follows through line 21, and insert the following:

"(m) SMALL CABLE SYSTEMS.—

"(1) SMALL CABLE SYSTEM RELIEF.—A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

''(2) DEFINITION OF SMALL CABLE SYSTEM.— For purposes of this subsection, 'small cable system' means a cable system that—

"(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and

"(B) directly serves fewer than 10,000 cable subscribers in its franchise area.".

¶109.8 [Roll No. 628] AYES—148

Fields (LA) Abercrombie Lewis (GA) Lipinski Baesler Filner Barcia Foglietta Barrett (WI) Ford Luther Frank (MA) Becerra Maloney Beilenson Franks (NJ) Markey Bereuter Furse Mascara Bishop Gejdenson McCarthy Boehlert Giľman McDermott Borski Gonzalez McHugh Gordon Boucher McKinney Brown (CA) McNulty Green Brown (FL) Gutierrez Meehan Brown (OH) Hastings (FL) Meek Bunning Hefner Menendez Hilliard Mfume Cardin Clay Hinchey Minge Clayton Holden Mink Mollohan Clement Horn Clyburn Hyde Moran Jackson-Lee Coleman Morella Collins (IL) Jacobs Murtha Collins (MI) Johnson (SD) Nadler Conyers Johnson, E. B. Neal Johnston Nussle Coyne DeFazio Kanjorski Oberstar Kaptur Obey DeLauro Kennedy (MA) Olver Kennedy (RI) Dellums Dingell Doyle Kennelly Pallone Kildee Payne (NJ) Duncan Kleczka Pomeroy Durbin Klink Porter LaFalce Engel Poshard Rahall Evans Lantos Farr Leach Reed Fattah Levin Regula

Rivers Roemer Rogers Roybal-Allard Rush Sabo Sanders Sawyer Schumer Scott Serrano Shays Skelton

Ackerman

Allard

Archer

Armey

Bachus

Baker (CA)

Baker (LA)

Barrett (NE)

Baldacci

Ballenger

Bartlett

Barton

Bentsen

Berman

Bevill

Bliley

Blute

Boehner

Bonilla

Bonior

Brewster

Browder

Brownback

Bryant (TN)

Bryant (TX)

Bono

Burr

Burton

Callahan

Calvert

Canady

Castle

Chabot

Chambliss

Chapman

Chrysler

Clinger

Combest

Condit

Cooley

Cramer

Crane

Crapo

Cubin

Danner

Davis

Deal

DeLay

Deutsch

Dickey

Dicks

Dixon

Doggett

Doolittle

Dooley

Dornan

Dreier

Dunn

Ehlers

Ehrlich

English

Ensign

Everett

Ewing Fawell

Fazio

Eshoo

Emerson

Edwards

Cremeans

Cunningham

de la Garza

Diaz-Balart

Cox

Coble

Chenoweth

Christensen

Collins (GA)

Camp

Bilbray

Bilirakis

Barr

Slaughter Stark Stokes Studds Stupak Tanner Thompson Torres Torricelli Tucker Velazquez Vento Visclosky Volkmer Ward Waters Watt (NC) Waxman Weldon (PA) Wise Woolsey Wyden Wynn Yates

NOES-275

Fields (TX) McDade Flake McHale Flanagan McInnis McIntosh Foley Forbes McKeon Fowler Metcalf Fox Mevers Franks (CT) Mica Miller (CA) Frelinghuysen Miller (FL) Frisa Frost Mineta Funderburk Molinari Gallegly Montgomery Ganske Moorhead Gekas Mvers Myrick Gephardt Geren Gibbons Nethercutt Neumann Gilchrest Ney Gillmor Norwood Goodlatte Orton Goodling Oxley Goss Graham Packard Parker Greenwood Gunderson Gutknecht Paxon Payne (VA) Hall (OH) Hall (TX) Peterson (FL) Peterson (MN) Hamilton Hancock Petri Hansen Pickett Harman Pombo Hastert Portman Hastings (WA) Pryce Quillen Hayes Hayworth Quinn Hefley Heineman Radanovich Ramstad Rangel Herger Hilleary Richardson Hobson Riggs Hoekstra Roberts Rohrabacher Hoke Ros-Lehtinen Hostettler Houghton Rose Roth Hover Roukema Hunter Inglis Royce Istook Salmon Jefferson Sanford Johnson (CT) Saxton Schaefer Johnson, Sam Schiff Kasich Schroeder Kelly Seastrand Sensenbrenner King Shadegg Kingston Shaw Klug Knollenberg Shuster Sisisky Kolbe Skaggs LaHood Skeen Smith (MI) Largent Latham Smith (NJ) LaTourette Laughlin Smith (TX) Smith (WA) Lazio Solomon Lewis (CA) Souder Lewis (KY) Spence Lightfoot Spratt Lincoln Stearns Linder Stenholm Livingston Stockman Stump Talent LoBiondo Lofgren Longley Tate Tauzin Lucas Manton Taylor (MS) Taylor (NC) Manzullo Tejeda Thomas Martinez Martini Thornberry Matsui

Torkildsen Towns Traficant Upton Vucanovich Waldholtz Walker Walsh Wamp Watts (OK) Weldon (FL) Weller White Whitfield

Wicker Wilson Wolf Young (FL) Zeliff Zimmer

NOT VOTING-11

Andrews Moakley Thurman Bateman Ortiz Williams Coburn Reynolds Young (AK) Hutchinson Scarborough

So the amendment was not agreed to.

¶109.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. STUPAK:

Page 14, beginning on line 8, strike section 243 through page 16, line 9, and insert the following (and conform the table of contents accordingly):

SEC. 243. REMOVAL OF BARRIERS TO ENTRY.

(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunications services.

(b) STATE AND LOCAL AUTHORITY.—Nothing in this section shall affect the ability of a State or local government to impose, on a competitively neutral basis and consistent with section 247 (relating to universal service), requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) LOCAL GOVERNMENT AUTHORITY.—Nothing in this Act affects the authority of a local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of the rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) EXCEPTION.—In the case of commercial mobile services, the provisions of section 332(c)(3) shall apply in lieu of the provisions of this section.

 $\begin{array}{c} \text{It was decided in the affirmative} & Yeas & 338 \\ \text{Nays} & 86 \end{array}$

¶109.10 [Roll No. 629] AYES—338

Abercrombie Bryant (TN) de la Garza Ackerman Bryant (TX) DeFazio Armey Burton DeLauro Baesler Calvert Dellums Baker (LA) Camp Canady Diaz-Balart Baldacci Dicks Dingell Barcia Cardin Barr Chambliss Dixon Barrett (WI) Chapman Doggett Chrysler Bartlett Dooley Doolittle Barton Clay Clayton Bass Dornan Becerra Clement Dovle Beilenson Clinger Dreier Clyburn Coble Bentsen Duncan Bereuter Dunn Berman Coburn Durbin Collins (GA) Bevill Edwards Bilirakis Collins (IL) Ehlers Ehrlich Bishop Collins (MI) Blute Condit Emerson Boehlert Engel Conyers Cooley Costello English Bonilla Bonior Ensign Eshoo Borski Coyne Cramer Brewster Evans Browder Crane Everett Brown (CA) Cubin Farr Brown (FL) Cunningham Fattah Brown (OH) Danner Fawell

Davis

Thornton

Tiahrt

McCollum

McCrery